

**In the United States District Court
In and For the Middle District of Florida**

Case No.: 20-cv-01287-CEH-CPT

PATRICK CARROLL,
an individual,

Plaintiff,

-vs-

DRUSSO MARTINEZ,
A Sarasota Police Department Officer,

AMELIA WICINSKI,
A Sarasota Police Department Officer,

CODY STANALAND,
A Sarasota Police Department Officer,

CITY OF SARASOTA, FLORIDA,
A political subdivision of the State of Florida,

BERNADETTE DIPINO,
An individual who is also the Chief of Police for the Sarasota Police Department,

PATRICK ROBINSON,
An individual who is also the Deputy Chief for the Sarasota Police Department,

DEMETRI KONSTANTOPOLOUS,
An individual who is also a Captain within the Sarasota Police Department,

Defendants.

**Amended Complaint for Civil Justice:
Money Damages & Trial by Jury**

Submitted by:


Jordan Redavid, Esq.

Florida Bar No. 109227

Lead Counsel for Plaintiff

• PROLOGUE •

SETTING THE STAGE

“Only in a free society could right triumph in difficult times, and could civilization record its magnificent advancement. In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.”

- Furman v. Georgia, 408 U.S. 238, 371 (1972) (Marshall, J., concurring) –

A black man in America, already restrained by handcuffs, is thrust face first into a vehicle and then taken to the ground. There, he lay prone with police officers on top of him. The leader swiftly and purposely positions his knee on the back of that man’s neck. He is not trained to do that and yet he does so naturally. Perhaps he has done this before. That officer presses harder, pinning his target’s face and chest to the earth. Even still, he cannot muzzle his target. The man begs for help; the man begs for answers. The officer hears him but does not listen. Other officers fail to intervene; they do not put a stop to a clear misapplication of excessive force. Instead, they help make sure it happens. A white female officer helps pin down the man’s legs while she rummages his pockets. A second male officer, also white, stands by in close range, almost hovering. He watches voyeuristically as his colleagues violate a human being’s civil rights. He is unmoved. What movements he makes show he is eager to join in but cannot find his place. He will have to sit this one out—but at least he gets to watch. By now a crowd has formed. A collective of community bystanders understandably jarred by what they are witnessing. The sidelined officer springs to action, doing his best to screen the peering eyes instead of stopping the injustice they see. *This* time, the black man survives, but he is forever changed. His name is Patrick Carroll. One week later, some 1,600 miles away, another group of white police officers will instinctively and eerily take on the same roles, displaying the same callous disregard for human rights on another black man, who was also a father. His name was George Floyd.

• CHAPTER ONE •

JURISDICTION, VENUE, AND THE PARTIES

“Race and racism is a reality that so many of us grow up learning to just deal with. But if we ever hope to move past it, it can’t just be on the people of color to deal with it. It’s up to all of us – Black, white, everyone – no matter how well-meaning we think we might be, to do the honest, uncomfortable work of rooting it out.”

- Michelle Obama, excerpt from a statement on an Instagram post May 30, 2020 –

This lawsuit is being filed on behalf of PATRICK CARROLL, an individual, by and through the undersigned lawyers of Fischer Redavid PLLC, and empowered by the Fourth and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. § 1983. It is brought against three individuals employed by the Sarasota (FL) Police Department: DRUSSO MARTINEZ, AMELIA WICINSKI, CODY STANALAND, CITY OF SARASOTA (FL), BERNADETTE DIPINO, PATRICK ROBINSON, and DEMETRI KONSTANTOPOLOUS.

JURISDICTION AND VENUE

1. This is a civil action seeking damages in excess of \$100,000.00 USD, exclusive of costs, interest, and attorneys’ fees.

2. Plaintiff has fully complied with all conditions precedent prior to bringing this action.

3. The predominant counts in this action arise under the Constitution and laws of the United States of America, and this Court has original jurisdiction over such federal questions. 28 U.S.C. § 1331, 28 U.S.C. § 1343, 42 U.S.C. § 1983, and 42 U.S.C. § 1988. It also has supplemental jurisdiction over the related state law battery claims. 28 U.S.C. § 1367.

4. Venue is proper in the Middle District of Florida because the incidents giving rise to this complaint occurred in Sarasota County, Florida, and two of three defendants are believed to be residents of Sarasota County, Florida area. 28 U.S.C. § 1391(b)(1), (b)(2).

PARTIES

5. The Plaintiff, PATRICK CARROLL, is a resident of Sarasota County, Florida, and otherwise *sui juris*.

6. Defendant, DRUSSO MARTINEZ, an individual who is *sui juris*, was, at all times material, a police officer employed by the Sarasota Police Department and, based on information and belief, a resident of Sarasota County, Florida. He is the “leader” as referenced in the Prologue.

7. Defendant, AMELIA WICINSKI, an individual who is *sui juris*, was, at all times material, a police officer employed by the Sarasota Police Department and, based on information and belief, a resident of Sarasota County, Florida. She is the “female white officer” in the Prologue.

8. Defendant, CODY STANALAND, an individual who is *sui juris*, was, at all times material, a police officer employed by the Sarasota Police Department and, based on information and belief, a resident of Manatee County, Florida. He is the “second male officer” in the Prologue.

9. Defendant, CITY OF SARASOTA, FLORIDA, is a political subdivision of the State of Florida located within Sarasota County, Florida. The City also funds and maintains the City of Sarasota Police Department, which is located at 2099 Adams Lane, Sarasota, Florida, 34237.

10. Defendant, BERNADETTE DIPINO, an individual who is *sui juris*, was, at all times material, the Chief of Police for the City of Sarasota’s Police Department, and, based on information and belief, a resident of Sarasota County, Florida.

11. Defendant, PATRICK ROBINSON, an individual who is *sui juris*, was, at all times material, the Deputy Chief of Police for the City of Sarasota’s Police Department, and, based on information and belief, a resident of Sarasota County, Florida.

12. Defendant, DEMETRI KONSTANTOPOLOUS, an individual who is *sui juris*, was, at all times material, a Captain for the City of Sarasota’s Police Department, and, based on information and belief, a resident of Sarasota County, Florida.

• CHAPTER TWO •

FACTUAL ALLEGATIONS

“Utilizing your knee on someone’s neck is not something that we train. It’s not something that we authorize and it’s not something that we stand behind.”

- Patrick Robinson, Deputy Chief of the Sarasota Police Department –

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

13. On May 18, 2020, in Sarasota County, Florida, Defendants MARTINEZ, WICINSKI, and STANALAND were employed by, and acting within the scope of, the Sarasota Police Department when they responded to a 911 call in reference to a battery.

14. Defendants MARTINEZ, WICINSKI, and STANALAND contacted the complainant and then Mr. Carroll, their suspect.

15. Defendants MARTINEZ, WICINSKI, and STANALAND confronted Mr. Carroll on the street before moving to the sidewalk on or around 23rd Street and Dixie Avenue.

16. MARTINEZ and WICINSKI strategically placed themselves around Mr. Carroll.

17. A helicopter from a Sarasota-area police department began to film from overhead.

18. Mr. Carroll spoke to the officers for nearly six minutes, pleading his innocence.

19. Defendants MARTINEZ and WICINSKI ordered Mr. Carroll to remove the backpack he was wearing as they begin to handcuff him.

20. Mr. Carroll attempted to turn so as to speak to the officers face-to-face since they had positioned themselves behind him.

21. Defendants MARTINEZ and WICINSKI successfully handcuffed Mr. Carroll.

22. Mr. Carroll never attempted to evade them or take flight.

23. Mr. Carroll never unlawfully resisted MARTINEZ and WICINSKI.

24. Mr. Carroll, innocent of what he was then being accused of, didn't want to go to jail.

25. Mr. Carroll pled with MARTINEZ and WICINSKI not to take him to jail.

26. Defendants MARTINEZ and WICINSKI pushed Mr. Carroll face first into the side of their police vehicle.

27. Mr. Carroll was upset at the unreasonable amount of force MARTINEZ and WICINSKI applied to push him into the car.

28. Mr. Carroll wanted to give some of his belongings to a person close by.

29. It was only *after* this that, for the very first time, a law enforcement officer narrating the helicopter video stated that he subjectively believed Mr. Carroll resisted arrest.

30. Defendant MARTINEZ then used his right arm and hand to push and/or punch Mr. Carroll in the face and head.

31. Defendants MARTINEZ and WICINSKI use their weight to rip him to the ground.

32. Defendant STANALAND watched this unfold, and then rushed to their side.

33. Mr. Carroll lay prone on the ground, handcuffed.

34. Defendant MARTINEZ placed his body weight on top of Mr. Carroll, putting his right knee, shin, and leg on the back of Mr. Carroll's head and neck.

35. Defendant WICINSKI placed her body weight on top of Mr. Carroll's back and legs.

36. Defendants MARTINEZ and WICINSKI, collectively and individually, apply an unreasonable and excessive amount of force to Mr. Carroll.

37. Defendant STANALAND failed to intervene and stop MARTINEZ and/or WICINSKI from applying unreasonable and excessive force to Mr. Carroll.

38. Defendant STANALAND then tried to shield civilian bystanders view from witnessing MARTINEZ and WICINSKI's violation of Mr. Carroll's constitutional rights.

39. At all times material, Mr. Carroll was a person and citizen afforded the protections of the United States Constitution. He is a father; he is a son; he is a brother; he is a nephew.

40. At all times material, Mr. Carroll had the right to be free from unreasonable seizures under the Fourth and/or Fourteenth Amendments to the United States Constitution.

41. At all times material, Mr. Carroll also had the right to be free from unjustified, unreasonable, and excessive application of force by police officers under the Fourth and/or Fourteenth Amendments to the United States Constitution.

42. At all times material, Mr. Carroll also had the right to not be deprived of his liberty and property without due process of law by police officers under the Fourth and/or Fourteenth Amendments to the United States Constitution.

43. At all times material, Mr. Carroll also had the right to be free from summary punishment by police officers under the Fourth and/or Fourteenth Amendments to the United States Constitution.

44. At all times material, Mr. Carroll also had the right to have other police officers intervene and stop the application of excessive and unreasonable force and seizures to his person by fellow police officers under the Fourth and/or Fourteenth Amendments to the United States Constitution.

45. At all times material, Mr. Carroll also had the right to be free from arbitrary governmental activity based on his race (to wit: African American) which shocks the conscience of a civilized society under the Fourth and/or Fourteenth Amendments to the United States Constitution.

46. At all times material, Mr. Carroll also had a constitutional right not to be inflicted with injury by a municipality's policy or custom to fail to train its officers who come into contact with constituents amounts to deliberate indifference to his rights under the Fourth and/or Fourteenth Amendments to the United States Constitution.

47. At all times material, Mr. Carroll also had a constitutional right not to have the City of Sarasota's official and/or final policy makers be deliberately indifferent to his rights by failing to train subordinate officers or agents who come into contact with its constituents including him.

48. At all times material, all Defendants were "state actors" as contemplated by 42 U.S.C. § 1983 and acting under color of law.

• CHAPTER THREE •

CLAIMS AGAINST DEFENDANTS

*“We are all implicated when we allow other people to be mistreated.
An absence of compassion can corrupt the decency of a community, a state, [and] a nation.”*

- Bryan Stevenson, Just Mercy: A Story of Justice and Redemption –

COUNT I – EXCESSIVE FORCE

(As to Defendant Drusso Martinez)

49. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

50. At all times material, MARTINEZ had a duty not to violate Mr. Carroll’s and people similarly situated constitutional rights as set forth in preceding paragraphs 35-47.

51. At all times material, it was reasonably foreseeable, if not known, that if MARTINEZ or any of his fellow police officers in his presence were to violate Mr. Carroll’s or other people similarly situated constitutional rights as set forth in preceding paragraphs 35-47 would cause them harm, injury, pain, suffering, mental anguish, inconvenience, embarrassment, humiliation, scarring (both physically and/or emotionally), and loss of the ability to enjoy life.

52. At all times material, MARTINEZ violated Mr. Carroll’s constitutional rights as set forth in preceding paragraphs 35-47, and in doing so breached the duties stated herein, by:

- a. Using an unreasonable amount of physical force to try and restrain Mr. Carroll’s arms and hands with handcuffs.
- b. Using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.
- c. Using an unreasonable amount of physical force to use his right hand and arm to push and/or punch Mr. Carroll in the head.

- d. Using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.
- e. Using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- f. Placing his right knee and leg on the back of Mr. Carroll's head and neck at all.
- g. Purposely using his own body weight through his right knee and leg to place it on the back of Mr. Carroll's head, neck, and back.
- h. Keeping his body, including but not limited to his right knee and leg, on the back of Mr. Carroll's head, neck, and back for an unreasonable amount of time.

53. Defendant MARTINEZ's actions as stated herein constituted a breach of his duties owed to Mr. Carroll.

54. At all times material, Defendant MARTINEZ's conduct was not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

55. At all times material, Defendant MARTINEZ's conduct was purposeful, intentional, and deliberate.

56. At all times material, Defendant MARTINEZ acted unreasonably, willfully, maliciously, in bad faith, and in reckless and callous disregard for Mr. Carroll's federal constitutional rights.

57. Defendant MARTINEZ's conduct was a moving and driving force behind Mr. Carroll's harms and losses.

58. As a direct and proximate cause of Defendant MARTINEZ's actions, and breaches of his duties, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

59. As another direct and proximate cause of Defendant MARTINEZ's actions, and breaches of his duties, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

60. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, DRUSSO MARTINEZ for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT II – FAILURE TO INTERVENE
(As to Defendant Drusso Martinez)

61. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

62. At all times material, MARTINEZ had a duty not to violate Mr. Carroll's and people similarly situated constitutional rights as set forth in preceding paragraphs 35-47.

63. At all times material, MARTINEZ had a duty to intervene to prevent the use of excessive force by a fellow officer.

64. At all times material, MARTINEZ had a reasonable opportunity to intervene and prevent or stop the use of excessive force by WICINSKI.

65. At all times material, it was reasonably foreseeable, if not known, that if MARTINEZ or any of his fellow police officers in his presence were to violate Mr. Carroll's or other people similarly situated constitutional rights as set forth in preceding paragraphs 35-47 would cause them harm, injury, pain, suffering, mental anguish, inconvenience, embarrassment, humiliation, scarring (both physically and/or emotionally), and loss of the ability to enjoy life.

66. At all times material, Defendant WICINSKI violated Mr. Carroll's constitutional rights as set forth in preceding paragraphs 35-47 and subsequent paragraph 84 by using unreasonable and excessive force, and Defendant MARTINEZ, in turn, violated Mr. Carroll's constitutional rights by:

- a. Failing to intervene and stop Defendant WICINSKI from applying an unreasonable amount of force while she tried and restrain Mr. Carroll's arms and hands with handcuffs.
- b. Failing to intervene and stop Defendant WICINSKI from using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.
- c. Failing to intervene and stop Defendant WICINSKI from using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.
- d. Failing to intervene and stop Defendant WICINSKI from using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- e. Failing to intervene and stop Defendant WICINSKI from placing and keeping her body and its weight on the back and lower extremities of Mr. Carroll while he was already restrained by handcuffs, lying prone on the ground.

67. Defendant MARTINEZ's inactions as stated herein constituted a breach of his duties owed to Mr. Carroll.

68. At all times material, Defendant MARTINEZ's conduct was not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

69. At all times material, Defendant MARTINEZ's conduct was purposeful, intentional, and deliberate.

70. At all times material, Defendant MARTINEZ acted unreasonably, willfully, maliciously, in bad faith, and in reckless and callous disregard for Mr. Carroll's federal constitutional rights.

71. Defendant MARTINEZ's conduct was a moving and driving force behind Mr.

Carroll's harms and losses.

72. As a direct and proximate cause of Defendant MARTINEZ's inaction, and breaches of his duties, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

73. As another direct and proximate cause of Defendant MARTINEZ's inaction, and breaches of his duties, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

74. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, DRUSSO MARTINEZ for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT III – BATTERY
(As to Defendant Drusso Martinez)

75. Mr. Carroll hereby incorporates by reference Paragraphs 1-48, and 51-56.

76. At all times material, MARTINEZ did, intentionally and recklessly, make offensive contact with Mr. Carroll's person by pushing, pulling, striking, punching him, as well as placing his right knee and leg on Mr. Carroll's head and neck.

77. At all times material, MARTINEZ did such acts with the intent to cause harmful and offensive contact with Mr. Carroll.

78. As a direct and proximate cause of Defendant MARTINEZ's actions, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

79. As another direct and proximate cause of Defendant MARTINEZ's actions, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

80. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, DRUSSO MARTINEZ for compensatory and punitive damages, and any other relief this Court deems proper.

COUNT IV – EXCESSIVE FORCE

(As to Defendant Amelia Wicinski)

81. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

82. At all times material, WICINSKI had a duty not to violate Mr. Carroll's and people similarly situated constitutional rights as set forth in preceding paragraphs 35-47.

83. At all times material, it was reasonably foreseeable, if not known, that if WICINSKI or any of her fellow police officers in her presence were to violate Mr. Carroll's or other people similarly situated constitutional rights as set forth in preceding paragraphs 35-47 would cause them harm, injury, pain, suffering, mental anguish, inconvenience, embarrassment, humiliation, scarring (both physically and/or emotionally), and loss of the ability to enjoy life.

84. At all times material, WICINSKI violated Mr. Carroll's constitutional rights as set forth in preceding paragraphs 35-47, and in doing so breached the duties stated herein, by:

- a. Using an unreasonable amount of physical force to try and restrain Mr. Carroll's arms and hands with handcuffs.
- b. Using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.
- c. Using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.

- d. Using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- e. Placing her body weight on the Mr. Carroll's back and his lower extremities.
- f. Keeping her body on the back and lower extremities of Mr. Carroll for an unreasonable amount of time.

85. Defendant WICINSKI's actions as stated herein constituted a breach of her duties owed to Mr. Carroll.

86. At all times material, Defendant WICINSKI's conduct was not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

87. At all times material, Defendant WICINSKI's conduct was purposeful, intentional, and deliberate.

88. At all times material, Defendant WICINSKI acted unreasonably, willfully, maliciously, in bad faith, and in reckless and callous disregard for Mr. Carroll's federal constitutional rights.

89. Defendant WICINSKI's conduct was a moving and driving force behind Mr. Carroll's harms and losses.

90. As a direct and proximate cause of Defendant WICINSKI's actions, and breaches of her duties, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

91. As another direct and proximate cause of Defendant WICINSKI's actions, and breaches of her duties, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

92. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, AMELIA WICINSKI for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT V – FAILURE TO INTERVENE
(As to Defendant Amelia Wicinski)

93. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

94. At all times material, WICINSKI had a duty not to violate Mr. Carroll's and people similarly situated constitutional rights as set forth in preceding paragraphs 35-47.

95. At all times material, WICINSKI had a duty to intervene to prevent the use of excessive force by a fellow officer.

96. At all times material, WICINSKI had a reasonable opportunity to intervene and prevent or stop the use of excessive force by MARTINEZ.

97. At all times material, it was reasonably foreseeable, if not known, that if WICINSKI or any of her fellow police officers in her presence were to violate Mr. Carroll's or other people similarly situated constitutional rights as set forth in preceding paragraphs 35-47 it would cause them harm, injury, pain, suffering, mental anguish, inconvenience, embarrassment, humiliation, scarring (both physically and/or emotionally), and loss of the ability to enjoy life.

98. At all times material, Defendant MARTINEZ violated Mr. Carroll's constitutional rights as set forth in preceding paragraphs 35-47 and 51-54 by using unreasonable and excessive force, and Defendant WICINSKI, in turn, violated Mr. Carroll's constitutional rights by failing to intervene and stop Defendant MARTINEZ from:

- a. Using an unreasonable amount of physical force to try and restrain Mr. Carroll's arms and hands with handcuffs.
- b. Using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.

- c. Using an unreasonable amount of physical force to use his right hand and arm to push and/or punch Mr. Carroll in the head.
- d. Using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.
- e. Using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- f. Placing his right knee and leg on the back of Mr. Carroll's head and neck at all.
- g. Purposely using his own body weight through his right knee and leg to place it on the back of Mr. Carroll's head and neck and back.
- h. Keeping his body, including but not limited to his right knee and leg, on the back of Mr. Carroll's head, neck, and back for an unreasonable amount of time.

99. Defendant WICINSKI's inactions as stated herein constituted a breach of her duties owed to Mr. Carroll.

100. At all times material, Defendant WICINSKI's conduct was not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

101. At all times material, Defendant WICINSKI's conduct was purposeful, intentional, and deliberate.

102. At all times material, Defendant WICINSKI acted unreasonably, willfully, maliciously, in bad faith, and in reckless and callous disregard for Mr. Carroll's federal constitutional rights.

103. Defendant WICINSKI's conduct was a moving and driving force behind Mr. Carroll's harms and losses.

104. As a direct and proximate cause of Defendant WICINSKI's inaction, and breaches of her duties, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional),

inconvenience, and loss of the ability to enjoy life.

105. As another direct and proximate cause of Defendant WICINSKI's inaction, and breaches of her duties, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

106. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, AMELIA WICINSKI for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT VI – BATTERY
(As to Defendant Amelia Wicinski)

107. Mr. Carroll hereby incorporates by reference Paragraphs 1-48, and 83-89.

108. At all times material, WICINSKI did, intentionally and recklessly, make offensive contact with Mr. Carroll's person by pushing, pulling, striking, punching him, as well as placing his right knee and leg on Mr. Carroll's head and neck.

109. At all times material, WICINSKI did such acts with the intent to cause harmful and offensive contact with Mr. Carroll.

110. As a direct and proximate cause of Defendant WICINSKI's actions, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

111. As another direct and proximate cause of Defendant WICINSKI's actions, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

112. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, AMELIA WICINSKI for compensatory and punitive damages, and any other relief this Court deems proper.

COUNT VII – FAILURE TO INTERVENE
(As to Defendant Cody Stanaland)

113. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

114. At all times material, STANALAND had a duty not to violate Mr. Carroll's and people similarly situated constitutional rights as set forth in preceding paragraphs 35-47.

115. At all times material, STANALAND had a duty to intervene to prevent the use of excessive force by a fellow officer.

116. At all times material, STANALAND had a reasonable opportunity to intervene and prevent or stop the use of excessive force by MARTINEZ and WICINSKI.

117. At all times material, it was reasonably foreseeable, if not known, that if STANALAND or any of his fellow police officers in his presence were to violate Mr. Carroll's or other people similarly situated constitutional rights as set forth in preceding paragraphs 35-41 it would cause them harm, injury, pain, suffering, mental anguish, inconvenience, embarrassment, humiliation, scarring (both physically and/or emotionally), and loss of the ability to enjoy life.

118. At all times material, Defendant MARTINEZ violated Mr. Carroll's constitutional rights as set forth in preceding paragraphs 35-47, 51-54, and 76 by using unreasonable and excessive force, and Defendant STANALAND, in turn, violated Mr. Carroll's constitutional rights by failing to intervene and stop Defendant MARTINEZ from:

- a. Using an unreasonable amount of physical force to try and restrain Mr. Carroll's arms and hands with handcuffs.
- b. Using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.

- c. Using an unreasonable amount of physical force to use his right hand and arm to push and/or punch Mr. Carroll in the head.
- d. Using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.
- e. Using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- f. Placing his right knee and leg on the back of Mr. Carroll's head and neck at all.
- g. Purposely using his own body weight through his right knee and leg to place it on the back of Mr. Carroll's head and neck and back.
- h. Keeping his body, including but not limited to his right knee and leg, on the back of Mr. Carroll's head, neck, and back for an unreasonable amount of time.

119. At all times material, Defendant WICINSKI violated Mr. Carroll's constitutional rights as set forth in preceding paragraphs 35-47, 83-89, and 108 by using unreasonable and excessive force, and Defendant STANALAND, in turn, violated Mr. Carroll's constitutional rights by failing to intervene and stop Defendant WICINSKI from:

- a. Using an unreasonable amount of physical force to try and restrain Mr. Carroll's arms and hands with handcuffs.
- b. Using an unreasonable amount of physical force to push Mr. Carroll towards, and then face first into, the side of a police vehicle.
- c. Using an unreasonable amount of physical force to rip Mr. Carroll from a standing position into the hard ground.
- d. Using an unreasonable amount of physical force to push Mr. Carroll, face first, into the hard ground.
- e. Placing her body weight on the back of Mr. Carroll's and his lower extremities.

- f. Keeping her body on the back and lower extremities of Mr. Carroll for an unreasonable amount of time

120. Defendant STANALAND's inactions as stated herein constituted a breach of his duties owed to Mr. Carroll.

121. At all times material, Defendant STANALAND's conduct was not objectively reasonable under the circumstances based on the perspective of a reasonable officer at the scene.

122. At all times material, Defendant STANALAND's conduct was purposeful, intentional, and deliberate.

123. At all times material, Defendant STANALAND acted unreasonably, willfully, maliciously, in bad faith, and in reckless and callous disregard for Mr. Carroll's federal constitutional rights.

124. Defendant STANALAND's conduct was a moving and driving force behind Mr. Carroll's harms and losses.

125. As a direct and proximate cause of Defendant STANALAND's inaction, and breaches of his duties, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

126. As another direct and proximate cause of Defendant STANALAND's inaction, and breaches of his duties, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

127. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, CODY STANALAND for compensatory and punitive damages, attorney's fees under 42

U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT VIII – FAILURE TO TRAIN, SUPERVISE, AND DISCIPLINE

(As to Defendant City of Sarasota, Florida)

128. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

129. At all times, Mr. Carroll's constitutional rights as stated in Paragraphs 40-46 were clearly established.

130. At all times material, the CITY OF SARASOTA had a policy or custom to fail to train adequately its police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

131. At all times material, the CITY OF SARASOTA had a policy or custom to fail to adequately supervise its police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

132. At all times material, the CITY OF SARASOTA had a policy or custom to fail to adequately discipline its police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

133. At all times material, the CITY OF SARASOTA's policies or customs of failing to train, supervise, and/or discipline its police officers amounted to deliberate indifference to the rights of persons with whom its police officers would come into contact, including but not limited to Mr. Carroll.

134. At all times material, the CITY OF SARASOTA knew that its failures to train, supervise, and discipline were deliberate and conscious choices to follow specific courses of action (and inaction) despite various alternatives and better, more adequate methods and processes.

135. At all times material, the CITY OF SARASOTA's policies or customs of failing to train and supervise included but were not limited to the topics of use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force,

accurately reporting use of force, and accurately reviewing use of force incidents and/or reports.

136. At all times material, the CITY OF SARASOTA's policy or custom of failing to discipline related to use of force, use of excessive force, improper takedown maneuvers, improper submission maneuvers, failure to intervene in a fellow officer's misapplication of force, failure to accurately report use of force, and ratifications and/or condonement of constitutional violations and uses of force when reviewing use of force incidents and/or reports.

137. At all times material, and in light of the duties assigned to the officers and agents within the Sarasota Police Department, the need for more training, supervision, and more adequate discipline on use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports was so obvious, and the inadequacy was likely to result in the violation of constitutional rights.

138. At all times material, policymakers for the CITY OF SARASOTA knew to a moral certainty that their police officers would be required to interact with people suspected of committing crimes and would, from time to time, need to make physical contact, take into custody, or use force on those persons.

139. The need to properly train and supervise its police officers on proper use of force, restraining or subduing suspects, and not using excessive force to avoid injury and constitutional violations were so obvious that the failure to do so amounted to deliberate indifference.

140. The need to properly discipline police officers who used improper use of force, restraint, or methods to subdue suspects; use of excessive force to avoid injury and constitutional violations; failure to intervene in other officers use of excessive force or improper techniques; failure to accurately report use of force; and ratification and/or condonement of constitutional violations and/or misapplication of excessive force were so obvious that the failure to do so amounted to

deliberate indifference.

141. At all times material, the members of the Sarasota Police Department so often violated the constitutional rights of people suspected of committing crimes and/or arrestees that the need for further training on the subjects referenced throughout this count were plainly obvious to policymakers for the CITY OF SARASOTA who, nevertheless, were deliberately indifferent to that need.

142. At all times material, the inadequacy of the training, supervision, and disciplinary programs were clear when compared in relation to the tasks of the CITY OF SARASOTA's police officers out in the field interacting with, and taking into custody, people suspected of committing crimes.

143. At all times material, the manner in which the CITY OF SARASOTA investigated these incidents underlying Mr. Carroll's claims that occurred on or about May 18, 2020, and other use of force incidents or police officer interactions with black constituents was part of a policy or custom of deliberate indifference to the rights of its inhabitants, including but not limited to Mr. Carroll.

144. The harms and losses to Mr. Carroll were not the result of an otherwise sound training, supervision, or disciplinary program that occasionally were negligently administered.

145. Mr. Carroll's harms and losses were closely related to the CITY OF SARASOTA's training, supervision, and disciplinary programs because they would have been altogether avoided had the CITY OF SARASOTA properly trained, supervised, and/or disciplined its police officers.

146. At all times material, the CITY OF SARASOTA policies or customs were the moving forces behind the constitutional violations of Mr. Carroll's rights.

147. As a direct and proximate cause of Defendant CITY OF SARASOTA's policies or customs, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

148. As another direct and proximate cause of Defendant CITY OF SARASOTA's policies or customs, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

149. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, CITY OF SARASOTA for compensatory damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT IX – FAILURE TO TRAIN, SUPERVISE, AND DISCIPLINE

(As to Defendant Bernadette DiPino)

150. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

151. At all times, Mr. Carroll's constitutional rights as stated in Paragraphs 40-46 were clearly established.

152. At all times material, BERNADETTE DIPINO was an official and final policymaker for the CITY OF SARASOTA, insofar as she was the Chief of Police.

153. At all times material, BERNADETTE DIPINO was a supervisor within the Sarasota Police Department.

154. At all times material, BERNADETTE DIPINO knew of Defendants MARTINEZ, WICINSKI, AND STANALAND's conduct as stated herein this amended complaint, knew that it was improper and unlawful, knew that Mr. Carroll's constitutional rights had been violated, knew that Defendant KONSTANTOPOLOUS nevertheless approved their misconduct and nothing about it and/or expressly and/or impliedly condoned or ratified it herself.

155. At all times material, BERNADETTE DIPINO had a policy or custom to fail to adequately train police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

156. At all times material, BERNADETTE DIPINO had a policy or custom to fail to

adequately supervise police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

157. At all times material, BERNADETTE DIPINO had a policy or custom to fail to adequately discipline police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

158. At all times material, as the Chief of Police, BERNADETTE DIPINO had a duty to train, supervise, and discipline police officers within the Sarasota Police Department and to establish policies or customs governing their conduct.

159. At all times material, BERNADETTE DIPINO's policies or customs of failing to train, supervise, and/or discipline police officers amounted to deliberate indifference to the rights of persons with whom its police officers would come into contact, including but not limited to Mr. Carroll.

160. At all times material, BERNADETTE DIPINO knew that her failures to train, supervise, and discipline were deliberate and conscious choices to follow specific courses of action (and inaction) despite various alternatives and better, more adequate methods and processes.

161. At all times material, BERNADETTE DIPINO's policies or customs of failing to train and supervise included but were not limited to the topics of use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports.

162. At all times material, BERNADETTE DIPINO's policy or custom of failing to discipline related to use of force, use of excessive force, improper takedown maneuvers, improper submission maneuvers, failure to intervene in a fellow officer's misapplication of force, failure to accurately report use of force, and ratifications and/or condonement of constitutional violations and uses of force when reviewing use of force incidents and/or reports.

163. At all times material, and in light of the duties assigned to the officers and agents within the Sarasota Police Department, the need for more training, supervision, and more adequate discipline on use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports was so obvious, and the inadequacy was likely to result in the violation of constitutional rights.

164. At all times material, BERNADETTE DIPINO knew to a moral certainty that her subordinate police officers would be required to interact with people suspected of committing crimes and would, from time to time, need to make physical contact, take into custody, or use force on those persons.

165. The need to properly train and supervise her police officers on proper use of force, restraining or subduing suspects, and not using excessive force to avoid injury and constitutional violations were so obvious that the failure to do so amounted to deliberate indifference.

166. The need to properly discipline police officers who used improper use of force, restraint, or methods to subdue suspects; use of excessive force to avoid injury and constitutional violations; failure to intervene in other officers use of excessive force or improper techniques; failure to accurately report use of force; and ratification and/or condonement of constitutional violations and/or misapplication of excessive force were so obvious that the failure to do so amounted to deliberate indifference.

167. At all times material, the members of the Sarasota Police Department so often violated the constitutional rights of people suspected of committing crimes and/or arrestees that the need for further training on the subjects referenced throughout this count were plainly obvious to BERNADETTE DIPINO who, nevertheless, was deliberately indifferent to that need.

168. At all times material, the inadequacy of the training, supervision, and disciplinary

programs were clear when compared in relation to the tasks of BERNADETTE DIPINO's subordinate police officers out in the field interacting with, and taking into custody, people suspected of committing crimes, or subordinate officers who would review the conduct of other officers out in the field and their reporting back of what they had done or not done.

169. At all times material, the manner in which BERNADETTE DIPINO investigated these incidents underlying Mr. Carroll's claims that occurred on or about May 18, 2020, and other use of force incidents or police officer interactions with black constituents was part of a policy or custom of deliberate indifference to the rights of the City of Sarasota's inhabitants, including but not limited to Mr. Carroll.

170. The harms and losses to Mr. Carroll were not the result of an otherwise sound training, supervision, or disciplinary program that occasionally were negligently administered.

171. At all times material, there was a history of abuse or constitutional violations or use of excessive force by BERNADETTE DIPINO's subordinate officers that put her on notice of the need for corrective measures that she deliberately and consciously did not take, including, but not limited to, incidents involving the Chad Washington, a black male, on or about March 22, 2018; the shooting of Jeremy Trebbles, a black male, in or around April of 2018; and the 2012 beating of Jason Dragash.

172. At all times material, there was a history of subordinate officers ratifying or otherwise condoning abuse or constitutional violations or use of excessive force by other subordinate officers under BERNADETTE DIPINO's purview on constituents, as well as a failure to discipline, that put her on notice of the need for corrective measures that she deliberately and consciously did not take.

173. Mr. Carroll's harms and losses were closely related to BERNADETTE DIPINO inadequate training, supervision, and disciplinary programs because they would have been altogether avoided had BERNADETTE DIPINO properly trained, supervised, and/or disciplined her subordinate police officers.

174. At all times material, BERNADETTE DIPINO's policies or customs were the moving forces behind the constitutional violations of Mr. Carroll's rights.

175. As a direct and proximate cause of Defendant BERNADETTE DIPINO's policies or customs, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

176. As another direct and proximate cause of Defendant BERNADETTE DIPINO's policies or customs, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

177. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, BERNADETTE DIPINO for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT X – FAILURE TO TRAIN, SUPERVISE, AND DISCIPLINE

(As to Defendant Patrick Robinson)

178. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

179. At all times, Mr. Carroll's constitutional rights as stated in Paragraphs 40-46 were clearly established.

180. At all times material, PATRICK ROBINSON was an official and final policymaker for the CITY OF SARASOTA, insofar as he was the Deputy Chief of Police.

181. At all times material, PATRICK ROBINSON was a supervisor within the Sarasota Police Department.

182. At all times material, PATRICK ROBINSON knew of Defendants MARTINEZ,

WICINSKI, AND STANALAND's conduct as stated herein this amended complaint, knew that it was improper and unlawful, knew that Mr. Carroll's constitutional rights had been violated, knew that Defendant KONSTANTOPOLOUS nevertheless approved their misconduct, and nothing about it and/or expressly and/or impliedly condoned or ratified it herself.

183. At all times material, PATRICK ROBINSON had a policy or custom to fail to adequately train police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

184. At all times material, PATRICK ROBINSON had a policy or custom to fail to adequately supervise police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

185. At all times material, PATRICK ROBINSON had a policy or custom to fail to adequately discipline police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

186. At all times material, as the Deputy Chief of Police, PATRICK ROBINSON had a duty to train, supervise, and discipline police officers within the Sarasota Police Department and to establish policies or customs governing their conduct.

187. At all times material, PATRICK ROBINSON's policies or customs of failing to train, supervise, and/or discipline police officers amounted to deliberate indifference to the rights of persons with whom police officers would come into contact, including but not limited to Mr. Carroll.

188. At all times material, PATRICK ROBINSON knew that his failures to train, supervise, and discipline were deliberate and conscious choices to follow specific courses of action (and inaction) despite various alternatives and better, more adequate methods and processes.

189. At all times material, PATRICK ROBINSON's policies or customs of failing to train and supervise included but were not limited to the topics of use of force, excessive force, takedown

maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports.

190. At all times material, PATRICK ROBINSON's policy or custom of failing to discipline related to use of force, use of excessive force, improper takedown maneuvers, improper submission maneuvers, failure to intervene in a fellow officer's misapplication of force, failure to accurately report use of force, and ratifications and/or condonement of constitutional violations and uses of force when reviewing use of force incidents and/or reports.

191. At all times material, and in light of the duties assigned to the officers and agents within the Sarasota Police Department, the need for more training, supervision, and more adequate discipline on use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports was so obvious, and the inadequacy was likely to result in the violation of constitutional rights.

192. At all times material, PATRICK ROBINSON knew to a moral certainty that his subordinate police officers would be required to interact with people suspected of committing crimes and would, from time to time, need to make physical contact, take into custody, or use force on those persons.

193. The need to properly train and supervise his police officers on proper use of force, restraining or subduing suspects, and not using excessive force to avoid injury and constitutional violations, were so obvious that the failure to do so amounted to deliberate indifference.

194. The need to properly discipline police officers who used improper use of force, restraint, or methods to subdue suspects; use of excessive force to avoid injury and constitutional violations; failure to intervene in other officers use of excessive force or improper techniques; failure to accurately report use of force; and ratification and/or condonement of constitutional violations

and/or misapplication of excessive force were so obvious that the failure to do so amounted to deliberate indifference.

195. At all times material, the members of the Sarasota Police Department so often violated the constitutional rights of people suspected of committing crimes and/or arrestees that the need for further training on the subjects referenced throughout this count were plainly obvious to PATRICK ROBINSON who, nevertheless, was deliberately indifferent to that need.

196. At all times material, the inadequacy of the training, supervision, and disciplinary programs were clear when compared in relation to the tasks of PATRICK ROBINSON's subordinate police officers out in the field interacting with, and taking into custody, people suspected of committing crimes, or subordinate officers who would review the conduct of other officers out in the field and their reporting back of what they had done or not done.

197. At all times material, the manner in which PATRICK ROBINSON investigated these incidents underlying Mr. Carroll's claims that occurred on or about May 18, 2020, and other use of force incidents or police officer interactions with black constituents, was part of a policy or custom of deliberate indifference to the rights of the City of Sarasota's inhabitants, including but not limited to Mr. Carroll.

198. The harms and losses to Mr. Carroll were not the result of an otherwise sound training, supervision, or disciplinary program that occasionally were negligently administered.

199. At all times material, there was a history of abuse or constitutional violations or use of excessive force by PATRICK ROBINSON's subordinate officers that put her on notice of the need for corrective measures that she deliberately and consciously did not take, including, but not limited to, incidents involving the Chad Washington, a black male, on or about March 22, 2018; and the shooting of Jeremy Trebbles, a black male, in or around April of 2018; and the 2012 beating of Jason Dragash.

200. At all times material, there was a history of subordinate officers ratifying or otherwise condoning abuse or constitutional violations or use of excessive force by other subordinate officers under PATRICK ROBINSON's purview on constituents, as well as a failure to discipline, that put her on notice of the need for corrective measures that she deliberately and consciously did not take.

201. Mr. Carroll's harms and losses were closely related to PATRICK ROBINSON inadequate training, supervision, and disciplinary programs because they would have been altogether avoided had PATRICK ROBINSON properly trained, supervised, and/or disciplined her subordinate police officers.

202. At all times material, PATRICK ROBINSON's policies or customs were the moving forces behind the constitutional violations of Mr. Carroll's rights.

203. As a direct and proximate cause of Defendant PATRICK ROBINSON's policies or customs, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

204. As another direct and proximate cause of Defendant PATRICK ROBINSON's policies or customs, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

205. Mr. Carroll requests a trial by jury on all issues so triable in this count.

WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, PATRICK ROBINSON for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

COUNT X – FAILURE TO TRAIN, SUPERVISE, AND DISCIPLINE

(As to Defendant Demetri Konstantopolous)

1. Mr. Carroll hereby incorporates by reference Paragraphs 1-48.

2. At all times, Mr. Carroll's constitutional rights as stated in Paragraphs 40-46 were clearly established.

3. At all times material, DEMETRI KONSTANTOPOLOUS was an official and final policymaker for the CITY OF SARASOTA, insofar as he was a Captain within the Sarasota Police Department.

4. At all times material, DEMETRI KONSTANTOPOLOUS was a supervisor within the Sarasota Police Department.

5. At all times material, DEMETRI KONSTANTOPOLOUS expressly and/or impliedly condoned and/or ratified the violation of Mr. Carroll's constitutional rights, as were reported to him by Defendants MARTINEZ, WICINSKI, and STANALAND.

6. At all times material, DEMETRI KONSTANTOPOLOUS had a policy or custom to fail to adequately train police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

7. At all times material, DEMETRI KONSTANTOPOLOUS had a policy or custom to fail to adequately supervise police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

8. At all times material, DEMETRI KONSTANTOPOLOUS had a policy or custom to fail to adequately discipline police officers who would come into contact with constituents, including but not limited to Mr. Carroll.

9. At all times material, as a Captain, DEMETRI KONSTANTOPOLOUS had a duty to train, supervise, and discipline police officers within the Sarasota Police Department and to establish policies or customs governing their conduct.

10. At all times material, DEMETRI KONSTANTOPOLOUS's policies or customs of failing to train, supervise, and/or discipline police officers amounted to deliberate indifference to the rights of persons with whom police officers would come into contact, including but not limited to Mr. Carroll.

11. At all times material, DEMETRI KONSTANTOPOLOUS knew that his failures to train, supervise, and discipline were deliberate and conscious choices to follow specific courses of action (and inaction) despite various alternatives and better, more adequate methods and processes.

12. At all times material, DEMETRI KONSTANTOPOLOUS's policies or customs of failing to train and supervise included but were not limited to the topics of use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports.

13. At all times material, DEMETRI KONSTANTOPOLOUS's policy or custom of failing to discipline related to use of force, use of excessive force, improper takedown maneuvers, improper submission maneuvers, failure to intervene in a fellow officer's misapplication of force, failure to accurately report use of force, and ratifications and/or condonement of constitutional violations and uses of force when reviewing use of force incidents and/or reports.

14. At all times material, and in light of the duties assigned to the officers and agents within the Sarasota Police Department, the need for more training, supervision, and more adequate discipline on use of force, excessive force, takedown maneuvers, submission maneuvers, intervening in a fellow officer's misapplication of force, accurately reporting use of force, and accurately reviewing use of force incidents and/or reports was so obvious, and the inadequacy was likely to result in the violation of constitutional rights.

15. At all times material, DEMETRI KONSTANTOPOLOUS knew to a moral certainty that his subordinate police officers would be required to interact with people suspected of committing

crimes and would, from time to time, need to make physical contact, take into custody, or use force on those persons.

16. The need to properly train and supervise his police officers on proper use of force, restraining or subduing suspects, and not using excessive force to avoid injury and constitutional violations, were so obvious that the failure to do so amounted to deliberate indifference.

17. The need to properly discipline police officers who used improper use of force, restraint, or methods to subdue suspects; use of excessive force to avoid injury and constitutional violations; failure to intervene in other officers use of excessive force or improper techniques; failure to accurately report use of force; and ratification and/or condonement of constitutional violations and/or misapplication of excessive force were so obvious that the failure to do so amounted to deliberate indifference.

18. At all times material, the members of the Sarasota Police Department so often violated the constitutional rights of people suspected of committing crimes and/or arrestees that the need for further training on the subjects referenced throughout this count were plainly obvious to DEMETRI KONSTANTOPOLOUS who, nevertheless, was deliberately indifferent to that need.

19. At all times material, the inadequacy of the training, supervision, and disciplinary programs were clear when compared in relation to the tasks of DEMETRI KONSTANTOPOLOUS's subordinate police officers out in the field interacting with, and taking into custody, people suspected of committing crimes, or subordinate officers who would review the conduct of other officers out in the field and their reporting back of what they had done or not done.

20. At all times material, the manner in which DEMETRI KONSTANTOPOLOUS investigated these incidents underlying Mr. Carroll's claims that occurred on or about May 18, 2020, and other use of force incidents or police officer interactions with black constituents, was part of a policy or custom of deliberate indifference to the rights of the City of Sarasota's inhabitants, including

but not limited to Mr. Carroll.

21. The harms and losses to Mr. Carroll were not the result of an otherwise sound training, supervision, or disciplinary program that occasionally were negligently administered.

22. At all times material, there was a history of abuse or constitutional violations or use of excessive force by DEMETRI KONSTANTOPOLOUS's subordinate officers that put her on notice of the need for corrective measures that she deliberately and consciously did not take, including, but not limited to, incidents involving the Chad Washington, a black male, on or about March 22, 2018; and the shooting of Jeremy Trebbles, a black male, in or around April of 2018; and the 2012 beating of Jason Dragash.

23. At all times material, there was a history of subordinate officers ratifying or otherwise condoning abuse or constitutional violations or use of excessive force by other subordinate officers under DEMETRI KONSTANTOPOLOUS's purview on constituents, as well as a failure to discipline, that put her on notice of the need for corrective measures that she deliberately and consciously did not take.

24. Mr. Carroll's harms and losses were closely related to DEMETRI KONSTANTOPOLOUS inadequate training, supervision, and disciplinary programs because they would have been altogether avoided had DEMETRI KONSTANTOPOLOUS properly trained, supervised, and/or disciplined her subordinate police officers.

25. At all times material, DEMETRI KONSTANTOPOLOUS's policies or customs were the moving forces behind the constitutional violations of Mr. Carroll's rights.

26. As a direct and proximate cause of Defendant DEMETRI KONSTANTOPOLOUS's policies or customs, Mr. Carroll suffered adverse health-related consequences, physical injury, pain, suffering, mental anguish, emotional distress, embarrassment, humiliation, scarring (physical and/or emotional), inconvenience, and loss of the ability to enjoy life.

27. As another direct and proximate cause of Defendant DEMETRI KONSTANTOPOLOUS's policies or customs, Mr. Carroll has incurred, and is reasonably likely to incur in the future, medical expenses and the costs associated with seeking and obtaining medical and mental health care and treatment.

28. Mr. Carroll requests a trial by jury on all issues so triable in this count.


WHEREFORE Mr. Patrick Carroll, the plaintiff, hereby demands judgment against Defendant, DEMETRI KONSTANTOPOLOUS for compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988(b), and any other relief this Court deems proper.

Dated this 7th day of June, 2020.

Submitted by:

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